IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WP(C).No. 37299 of 2007(H)

PETITIONER:

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1. HEMALATHA KALARIKANDY,
   STAFF NURSE, E.S.I DISPENSARY,
   CHALAPPURAM, KOZHIKODE DISTRICT.

2. N.K.MEENAKSHI, HEAD NURSE,
   E.S.I. HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

3. PRATHIBHA.P, STAFF NURSE,
   E.S.I. DISPENSARY, CHEMMANCHERRY,
   KOYILANDY, KOZHIKODE DISTRICT.

4. NAINATHARA.C, HEAD NURSE,
   E.S.I DISPENSARY, KAINATTY, VADAKARA.

5. ASHALATHA A.K., HEAD NURSE,
   E.S.I DISPENSARY, CHAKKORATHUKULAM,
   KOZHIKODE DISTRICT.

6. SWAPNA THOMAS, HEAD NURSE,
   E.S.I. HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

7. PREMA M.V., HEAD NURSE,
   E.S.I DISPENSARY, CHALAPPURAM,
   KOZHIKODE DISTRICT.

8. BEENA.V, HEAD NURSE,
   E.S.I. DISPENSARY, ERANHIPALAM,
   KOZHIKODE DISTRICT.

9. BEENA K.K., HEAD NURSE,
   E.S.I.HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

10. SUNITHA.K, STAFF NURSE,
    E.S.I.HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

11. SUDHEERA P.P., STAFF NURSE,
    E.S.I.HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

12. HASEEBA, STAFF NURSE,

E.S.I.HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

13. ASSIA O.T, STAFF NURSE,
E.S.I.HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

14. SHAHARBAN.M, HEAD NURSE,
E.S.I.HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

15. VINCY AUGUSTHY, HEAD NURSE,
E.S.I.HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

16. PRASANNA.K, HEAD NURSE,
E.S.I.HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

17. PUSHPA KUTTILAPARAMBIL, HEAD NURSE,
E.S.I.HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

18. SHEEBA O.P., HEAD NURSE,
E.S.I. DISPENSARY, CHERUVANNOOR,
KOZHIKODE DISTRICT.

19. MONCY MATHEW, STAFF NURSE,
E.S.I DISPENSARY, KUNNATHUPALAM,
KOZHIKODE DISTRICT.

20. SALMA.P., STAFF NURSE,
E.S.I. HOSPITAL, FEROKE, KOZHIKODE DISTRICT.

BY ADV. SRI.A.K.ALEX
SRI.K.P.SURESH KUMAR

RESPONDENTS:
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1. THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF INSURANCE MEDICAL SERVICES,
THIRUVANANTHAPURAM-14.

3. DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C).37299/2007

Dated this the 17th day of December, 2007

JUDGMENT

Petitioners were temporary employees in the Health Services Department. They were advised by the Public Service Commission for appointment as Staff Nurses. Petitioners' grievance is in relation to the provisional service, which they had rendered prior to the commencement of their regular service. Petitioners submit that Staff Nurses, advised by the Public Service Commission, were later regularized in service with reference to a date from the commencement of their provisional service. In other words, their date of commencement of regular service related back to the date on which they commenced provisional service. Petitioner refers to Ext.P4 order passed by the Additional Director of Health Services. Learned counsel for the petitioners relies on the judgment of this court in W.P.(C)No.547/05 and the judgment of the Full Bench of this court reported in **State of Kerala v. Ponnamma, {2005(4) KLT 987}**. The

claim of the petitioners is raised before the Government, vide Exts.P5(A) to P5(T).

2. Having heard learned counsel for the petitioners and the learned Government Pleader, I direct the first respondent to take appropriate decision on Exts.P5(A) to P5(T), within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioners. The first respondent shall take into account the judgments mentioned above and any other judgment, which the petitioners may, place before him. petitioners may file an additional representation.

Writ petition is disposed of as above.

V.GIRI,
Judge

mrcs